UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1591

08 MAY 21 AM 11:27

UNITED STATES OF AMERICA,	)	Magistrate Docket No.
Plaintiff,	)	
	)	COMPLAINT FOR VIOLATION OF:
v.	)	
	)	Title 8, U.S.C., Section 1326
Efrain BUSTOS-Gonzalez,	)	Deported Alien Found in the
	)	United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **May 19, 2008** within the Southern District of California, defendant, **Efrain BUSTOS-Gonzalez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **MAY 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Efrain BUSTOS-Gonzalez

PROBABLE CAUSE STATEMENT

On May 19, 2008 at approximately 12:15 pm, Senior Patrol Agent D. Hall was performing primary inspection duty in lanes 1 and 2 of the I-5 freeway at the San Clemente Border Patrol Checkpoint. While checking traffic, Agent Hall observed a black 1999 Mitsubishi Galant approach his position on the highway in lane 2. Agent Hall motioned for the vehicle to stop at his location and the driver stopped and rolled down the window. Agent Hall identified himself as a Border Patrol Agent and asked the driver if the vehicle belonged to her. The driver stated that it was not her vehicle. Agent Hall looked into the vehicle at the passengers, who stared straight ahead and refused to acknowledge Agent Hall. Agent Hall directed the vehicle into the secondary inspection area.

In secondary, Agents M. Gonzalez and M. Barrera approached the vehicle and identified themselves as Border Patrol Agents. Agent Barrera approached the driver and questioned her as to her citizenship. The driver admitted to be a citizen of Mexico. Agent Barrera and Gonzalez continued questioning the rest of the occupants of the vehicle, including one later identified as the defendant **Efrain BUSTOS-Gonzalez** as to their citizenship. All individuals stated that they were citizens of Mexico and had no legal documents to be in or remain in the United States legally. At approximately 12:20 pm all individuals were placed under arrest and brought into the station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 21, 2005 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated he was going to Los Angeles, California.